

**NIAD 214.1 (10103730)**

Hence, there was no way to know, nor was there any suggestion, that the octyl ester would be far superior to the hexyl ester. The examiner is drawn, in particular, to Table 2 of the specification (page 6), where the duration of the octyl niacin was at least 2 ½ times longer than the hexyl compound, in a side by side test.

Nothing in Le or Otsuka operates to suggest anything to the contrary, i.e., there is no suggestion whatsoever that the C8 alkyl ester of niacin would function in such an unexpectedly superior way.

In the absence of any such suggestion, it is submitted that claims directed to the C8 compound must be deemed patentable over the prior art.

Further, with respect to a claim like claim 30, there is no teaching in the cited reference of the use of C9 or C10 compounds. Hence, claims 30 et seq. are seen to be unobvious over their full scope, and in view of the prior art, taken as a whole.

In view of the foregoing, withdrawal of the rejections, and allowance of claims 30-37 is believed proper and is urged.

Respectfully submitted,

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By



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